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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/618,371

07/12/2003

James John Seebock

4942

7590

10/21/2004

James J. Seebock
2417 Motif Ct.
Henderson, NV 89052

EXAMINER

WALSH, JOHN B

ART UNIT

PAPER NUMBER

2151

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/618,371

Applicant(s)

SEEBECK, JAMES JOHN

Examiner

John B. Walsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-18 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-18 and 21-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 6, 8-10, 12 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,797,284 to Lurie in view of U.S. Patent No. 2,729,749 to Heinz.

Lurie '284 discloses a physical restraint device (10) comprising a primary (36; left) and secondary (36; right) locking mechanism; a locking mechanism (column 1, lines 25-27) comprising the luminescent material.

Lurie '284 does not disclose a luminescent material.

Heinz '749 discloses a luminescent material (column 1, line 30).

As concerns claim 2, wherein the luminescent material comprises a self-luminous material (column 2, line 28; radium is self-luminous).

As best understood concerning claims 6 and 16, wherein the luminescent material adhesively attached to the physical restraint device (column 2, line 29; painted thereon provides the adhesive attachment).

As concerns claim 8, wherein the physical restraint device comprises handcuffs (10).

As concerns claim 9, wherein luminescence is provided without electrical power (column 2, line 28; radium is self-luminous).

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As concerns claim 12, wherein the luminescent material comprises a self-luminous material (column 2, line 28; radium is self-luminous).

As concerns claim 17, wherein the physical restraint device comprises handcuffs (10).

As concerns claim 18, wherein luminescence is provided without electrical power (column 2, line 28; radium is self-luminous).

3. Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,797,284 to Lurie and U.S. Patent No. 2,729,749 to Heinz as applied to claims 1 and 10 above in view of U.S. Patent No. 5,025,564 to Sanders.

Lurie '284 as modified does not disclose the self-luminous material comprises tritium.

Sanders '564 teaches tritium (column 4, lines 23-25) as a self-luminous material.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide tritium since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

4. Claims 4, 5, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,797,284 to Lurie and U.S. Patent No. 2,729,749 to Heinz as applied to claims 1 and 10 above in view of U.S. Patent No. 1,988,476 to Brandenberger.

Lurie '284 as modified does not disclose the luminescent material, comprises phosphorus and utilizes energy from a light source to provide light.

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Brandenberger '476 teaches the luminescent material phosphorus (column 2, line 13) which utilizes energy from a light source to provide light.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide phosphorus since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

5. Claim 11 as best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,797,284 to Lurie and U.S. Patent No. 2,729,749 to Heinz as applied to claim 1 above in view of U.S. Patent No. 5,730,013 to Huang.

Lurie '284 as modified does not disclose an unlocking mechanism including a luminescent material.

Huang '013 teaches an unlocking mechanism (figure 2) including a luminescent material (5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the unlocking mechanism of Lurie '284 as modified with a luminescent material, as taught by Huang '013, in order to provide a means of further illuminating a key hole hence making it easier for the user to find the keyhole in the dark.

6. Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,797,284 to Lurie in view of U.S. Patent No. 2,729,749 to Heinz as applied to claims 6 and 16 above, further in view of U.S. Patent No. Des. 343,642 to Ho.

Lurie '284 as modified, does not disclose the adhesive is a sticker or glue.

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Ho '642 teaches using a sticker and glue (backing of sticker has glue) as an adhesive for glow in the dark material.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the lock of Lurie '284 as modified with a sticker, in order to provide a quick means of attaching.

Response to Arguments

7. Applicant's arguments filed July 30, 2004 have been fully considered but they are not persuasive.

In response to Applicant's argument based upon the age of the references, contentions that the reference patents are old is not impressive absent a showing that the art tried and failed to solve the same problem notwithstanding its presumed knowledge of the references. In re Neal, 179 USPQ 56 (CCPA 1973).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

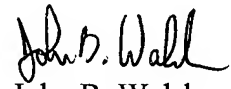
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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 703-305-0444. The examiner can normally be reached on Monday-Friday from 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 703-308-6687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


John B. Walsh
Primary Examiner
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